

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Curtis C. Harris et al.

Confirmation No.: 3076

Application No.: 10/533,459

Filed: May 2, 2005

Art Unit: 1636

For: METHODS AND COMPOSITIONS FOR
THE DIAGNOSIS OF NEUROENDOCRINE
LUNG CANCERS

Examiner: R. Teller

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

In response to the restriction requirement set forth in the Office Action mailed August 22, 2008, Applicant hereby elects for continued examination, the subject matter of **Group II**, directed to **Claims 20-24 and 28**, drawn to a microarray comprising a solid support for more than 10 genes, polynucleotide fragments or RNA transcripts thereof, wherein said polynucleotide fragments or RNA transcripts are differentially expressed in a small cell lung cancer, large cell neuroendocrine tumor cell, or atypical carcinoid neuroendocrine tumor cell, relative to normal cell.

The afore-mentioned election is being made solely to comply with, and be fully responsive to, the restriction requirement set forth in the Office Action. The right to file one or more divisional applications on non-elected subject matter is reserved.

FEE AUTHORIZATION

No fees are believed to be due. However, should any fee be due, the Commissioner is authorized to charge such fee to our Deposit Account, No. 04-1105, Reference 63139(47992). Any overpayment should be credited to said Deposit Account.

September 4, 2008

Respectfully submitted,

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